

Agenda for OWOW Weekly w/OW Thursday, October 26 at 4:00	Topics due in OWOW	Oct. 25 @ noon
	Topics due to OW	Oct 25 by 3:00
	Discussion Topics	
	Materials/Notes	
1. Georgia’s Coastal Nonpoint Program	No attachments	
2. Gold King Mine Biological Response Report Update	No attachments	
3. EPA representation at CEQ Infrastructure meetings and workgroups	No attachments	
4. 404 Assumption	Potential letter from Pruitt to Governors on assumption. (Attached letter from Minnesota as example of issues raised by states.)	
5. Alaska Mitigation	No attachments	
6.		
7. Pending Letters & Actions (see below)		
404 A & B Letters		
Listings/TMDLs		
Maine – non-controversial (from Jim for 10/26)		
See 10/19 update from Jim H. on Ohio		
Other Action Items of Significance		

Talking Points:

1. Georgia's Coastal Nonpoint Program –

The Coastal Zone Act Reauthorization Amendments (CZARA) requires states and territories that choose to participate in NOAA's coastal management program under the CZMA to develop state coastal nonpoint programs (CNP) for joint approval by EPA and NOAA. The federal agencies approved Georgia's program in 2002, however that approval came with a number of conditions the state is required to meet prior to receiving full program approval.

Since then, Georgia has been working diligently with EPA and NOAA to complete its CNP; federal program staff from both agencies have recently concluded that all of the conditions from 2002 have been met. EPA and NOAA program staff have recently drafted a full approval document which addresses earlier attorney comments; this document is undergoing review by management and program attorneys. EPA and NOAA are also preparing a federal register notice of availability and request for public comment on the draft approval. EPA program staff, management and attorneys will be available to brief upper management on this decision and process once the draft approval document clears review by NOAA and EPA attorneys, possibly as soon as next month.

2. Gold King Mine Biological Response Report Update -

On Monday October 16, OWOW's Monitoring and Analysis Branch (MAB) initiated the Regional technical review of the draft Gold King Mine biological report. Authors of the report include OWOW MAB and ORD scientists. The key messages from the report are being developed in preparation for a Regional Manager's briefing that will be scheduled for later this month. (Lareina Guenzel, Richard Mitchell)

3. CEQ and Infrastructure EO –

Corps is participating in a series of CEQ-led meetings and workgroups related to the EO on infrastructure and environmental reviews. OFA-NEPA staff are participating in the workgroups and we will be coordinating with them on actions/tasks coming out of the workgroups. The Corps recently noted that for the CEQ meetings, the only EPA rep is Byron Brown. In order to be aligned with Agency direction and provide any necessary technical expertise, how might OWOW be of support?

4. 404 Assumption -

We understand that the Administrator may want to send a letter to Governors encouraging 404 assumption. We would like to better understand the message, timing and whether OWOW will be tasked with drafting the letter or any specific follow-up such as responses to Governors. We recommend OWOW provide a status update (to Lee?) regarding state efforts to date, including information regarding issues some states have raised as barriers to assumption (see attached letter from MN). We also understand that ECOS, ACWA and ASWM will be sending a formal letter to EPA with their ideas on how make assumption more accessible/achievable for states and tribes. We are interested in understanding any specific expectations from Lee for OWOW regarding state assumption and options for reducing known barriers to assumption and how we can assist.

OWOW will be participating in follow-up meetings with FL and Region 4, including a face-to-face in mid-December on their assumption effort. FL will need to reach agreement with Corps on which waters are to be retained by the Corps; we anticipate this to be challenging as the Corps

has informed staff they will be identifying retained waters following their recommendation in the Assumable Waters Report to the Administrator.

Previous Weeks "Actions" Table:

404 A & B Letters
First Aviation/Port Authority 3b letter (Teterboro 1) Notification from Corps that new due date for the 21-day extension is 10/31.
Alaska Pipeline: The Agency has received a letter (<i>attached</i>) from the Alaska Governor regarding this project.
West Davis Corridor Highway Project, UT_(CWA Section 404) - Region 8 CWA 404(q) 3(b) Comment Letter
Listings/TMDLs
Ohio 303 (d) - David F already had call with State attorneys - questioned the State folks re basis for the decision not to list (or to not even do the assessment). A second call was held yesterday - Thursday Oct. 12.
Alaska Court Order for TMDL Development <ul style="list-style-type: none">• DOJ will be filing a joint status report with plaintiff in Alaska Center for the Environment (ACE) regarding EPA's progress in meeting the district court's 1992 judicial order to backstop the Alaska's proposal of two TMDLs per year until the all the segments on the 1992 list of impaired waters are addressed.• DOJ will be reporting to DOJ that one watershed (with several creeks) that remains from Alaska's 1992 List, which is also on Alaska's most recent List and does not yet have a proposed TMDL, will be addressed by June 30, 2020.• EPA has only TMDL backstop obligations remaining in Alaska and Washington that are left from the era of statewide failure to submit any TMDLs (constructive submission of no TMDLs).
Columbia River Temperature TMDL Litigation (constructive submission): On Wednesday October 4th, OGC staff briefed David F. on the Columbia River TMDL litigation (WRAPD and R10 also participated).
Other Action Items of Significance
Eastern Long Island Sound- Lawsuit challenging designation of an ocean dumpsite in: On October 10, 2017, Governor Malloy (Connecticut) and Governor Raimondo (Rhode Island) co-signed a letter to Administrator Pruitt strongly urging EPA to defend its designation of the Eastern Long Island Sound Dredged Material Ocean Disposal Site (ELDS), which is being challenged by the State of New York. New York DOS filed suit challenging the site designation in August, 2017. OWOW and Region 1 have a briefing to OW on October 24 to explain the background and status of this contentious issue.